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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,362	07/18/2003	Jasper Jan Wickerhoff	240625US6	2557

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ALEXANDRIA, VA 22314

EXAMINER

SWIATEK, ROBERT P

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 10/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/621,362

Applicant(s)

WICKERHOFF ET AL.

Examiner

Robert P. Swiatek

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 10-12 and 14 is/are rejected.
- 7) ☒ Claim(s) 4-6, 8, 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 10/1, 10/2, 11/1, 11/2, 12, 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Mayer Jr. (US 3,604,661). The aircraft of Mayer Jr. includes a series of control slots 22 situated in the upper portion of its nose, as well as along upper surfaces of the wings and horizontal stabilizer. A separate blower—deemed to constitute a compressor—or the aircraft's engine directs air through the slots to improve control and handling of the craft. Although the nose slots 22 of Mayer Jr. extend only partially around the nose, the lowermost ones of slots 22 direct high-velocity air downwardly and tangent to the nose. This downwardly-directed air from lowermost slots 22 of Mayer Jr. would serve to deflect at least a minimal amount of the oncoming airflow from the landing gear of the craft by entraining it and conducting it away from the aircraft.

Claims 1-3, 7, 10-12, 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Passler (DE 43 34 164 A1). The Passler reference discloses a blower unit 1 with a series of horizontally-oriented nozzles through which air is expelled outwardly and downwardly. The unit is mounted to the underside of an aircraft and in advance of the tires of an aircraft's landing gear (see Figures 1, 2 of Passler) such that some of the expelled air inherently would deflect—in the

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nature of an air screen—ambient air away from a portion of the tires, thereby reducing the noise level. For example, air exiting the blower unit 1 of Passler to the right and left would entrain some oncoming air, diverting it accordingly to both sides. Whether one skilled in the art would recognize the existence of this process would seem to be secondary to the fact that it does occur.

Claims 4-6, 8, 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants' arguments filed 19 July 2004 have been fully considered but they are not persuasive. Claims 1-3, 7, 10-12, 14 are not believed allowable for the reasons set forth above.

THIS ACTION IS MADE FINAL. Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Summary: Claims 1-3, 7, 10-12, 14 have been rejected; claims 4-6, 8, 9 have been objected to; claim 13 has been rejected.

RPS: ©703/308-2700
4 October 2004

Robert P. Swiatek
ROBERT P. SWIATEK
PRIMARY EXAMINER
ART UNIT 322 3643